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EXAMINER

OCAMPO, MARIANNE S

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,893

Applicant(s)

BLAZE ET AL.

Examiner

Marianne S. Ocampo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 9, 15 – 22 and 38 - 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogden et al. (US 3,528,554).

3. Regarding claim 1, Ogden et al. disclose an apparatus for handling filter disks (16) comprising :

- a center post member (46) having first and second end portions,
- an attachment member (12, 42, 50, 56) which includes a means for facilitating lifting (in the form of a mounting bracket 56 with the head member 12) of at least one filter disk (16) from a first position (which is in filtration position within the housing 10) to a second position (which is away from the filter housing 10) and,
- an adapter member (28, 31). See fig. 4 and cols. 2 – 3 of Ogden et al. (554).

4. Concerning claim 5, Ogden et al. also disclose:

- the first position being an installed position (see Figs. 4 - 5) within a filter assembly/housing (10) in which fluid passes through the at least one filter disk (16) operatively positioned relative to the center post member (46) and,
- the second position being a remote location (not shown) exterior to the filter assembly (10) where the at least one filter disk (16 which is to be replaced) has been removed from the center post member (28) and replaced with at least one new filter disk/cartridge. See figs. 4 - 5 and col. 3, lines 35 - 64.

5. With respect to claim 9, Ogden et al. further disclose:

- the attachment member (outlet tube 46) having an outside diameter which is smaller than a central aperture (32) formed in at least one filter disk (16) thereby (capable at least of) allowing the at least one filter disk (16) to be slid over the attachment member (46). See fig. 4 and col. 3, lines 11 - 18.

6. Regarding claim 13, Ogden et al. also disclose:

- the adapter member (central sleeve 28) further comprising at least one aperture (30) formed therein for providing a flow passage through the adapter member (28). See fig. 4 and col. 2, lines 60 - 63.

7. Concerning claim 15, Ogden et al. disclose:

- at least one filter disk (i.e. topmost filter disk 16) being operatively positioned relative to the center post (tube 46) by sliding the at least one filter disk (topmost filter disk 16) over the first (lower end) end portion (i.e. free lower end of tube 46 that is closest/nearest to and engaging the tube/adaptor 28) of the center post member (46). See fig. 4.

8. Regarding claim 16, Ogden et al. further disclose a filter assembly comprising:

- a housing (10) having an interior chamber (15), a central axis and a *bottom* portion (the bottom end is considered to be the inverted orientation of the device shown in fig. 4, in which the open end of housing 10 is considered to be at the bottom when the housing 10 is inverted),
- a base member (cover 12) having an opposed upper and lower surfaces and at least an inlet portion (defined by opening 52) and an outlet portion (defined by central opening 50 of 12) and the *upper* surface (which would be the lower end of 12 that engages the open end of the housing 10 in the inverted orientation as mentioned above) being operative to sealingly engage the *bottom* portion of the housing (i.e. the *open end of housing 10* in an inverted orientation), and
- at least one insert assembly (cartridge assembly 14, 15) and the insert assembly (15) comprising :
 - an upper surface (34) which mates with the upper surface (which is lowermost surface of tube or part 42 in the vicinity of surface 44) of the

base member (12) and a central aperture (32) for sealing engagement with a center post assembly (28, 31, 46) that has at least one filter disk (16) engaged thereon and the central aperture (32) providing a crevice free flow path through the insert assembly (14, 15) when the center post assembly is disengaged therefrom thereby facilitating the cleaning of the interior chamber. See figs. 3 - 4.

9. With regards to claim 17, Ogden et al. also disclose :

- the upper surface (i.e. adjacent to the housing 10 and which forms an engagement therewith) of the base member (12) having a raised portion (defined by the outer periphery/rim thereof having internal threads which mates with external threads of the housing wall 10) along located peripherally and a lower portion (defined by surface 44 and tube 42) positioned adjacent to the insert (cartridge) assembly (14, 15). See figs. 4 – 5.

10. Regarding claim 18, Ogden et al. further disclose:

- the upper surface of the base member (12) having a transition portion (defined by the curved or arc portion of the cover 12 which connects the outer rim/periphery with the central tube parts 42, 46) between the raised and lower portions and the transition portion at an angle with respect to the lower portion. See fig. 4.

11. Concerning claim 19, Ogden et al. disclose:

- the upper surface of the base member (12) including:
 - a raised portion (i.e. those having the internal threads for engagement with housing 10) located along the periphery of the upper surface, and
 - a central region (defined by the tubes 42, 46), and
 - the raised portion engaging with the *bottom* portion (i.e. the open end with external threads in an inverted orientation) of the housing (10) via threads thereof and connected to the central region by a concave/arc-shaped surface. See fig. 4.

12. With respect to claim 20, Ogden et al. further disclose:

- the center post assembly comprising:
 - a center post member (46) having a first end portion and a second end portion,
 - an attachment member (42) and the attachment member including means (top end 44 with washer 34) for connecting the center post member (46) and disengaging from the at least one insert assembly (14, 15) via center tube/sleeve (28), and
 - an adapter member (sleeve, 28) operatively connected to the second end of the center post member (46) and supporting at least one filter disk (16) which is operatively positioned relative to the center post member (46)

and the adapter member (28) sealingly engaging the central aperture (32) of the insert assembly (14) via sealing member 34 of the insert assembly (14) and enlarged head (31) thereof when the center post assembly is in the installed position. See fig. 4.

13. Regarding claim 21, Ogden et al. disclose:

- the adapter member (28) having at least one circumferential groove (disposed just below enlarged head 31) for receiving an O-ring (washer, 34) and facilitating the sealing engagement of the adapter member (28) with the central aperture (32) of the insert assembly (14). See fig. 4 and col. 3.

14. With regards to claim 22, Ogden also disclose:

- the adapter member (central sleeve 28) further comprising at least one aperture (30) formed therein for providing a flow passage through the adapter member (28). See fig. 4 and col. 2, lines 60 - 63.

15. Concerning claim 38, Ogden et al. disclose a filter assembly comprising:

- a housing (10) having an interior chamber (15), a central axis and a *bottom* portion (the bottom end is considered to be the inverted orientation of the device shown in fig. 4, in which the open end of housing 10 is considered to be at the bottom when the housing 10 is inverted),

- a base member (12) having opposed upper and lower surfaces (the “upper surface” being that surface which provides the inlet and outlet openings in an inverted orientation as presented while the “lower surface” being the opposing end surface to the “upper” surface which is closest to and engaging the housing 10) and at least an inlet portion (52) and an outlet portion (50, 46) and the upper surface being operative to sealingly engage the bottom portion (i.e. open end) of the housing (10),
- at least one insert assembly (filter cartridge assembly, 14, 15) and the insert assembly (14) comprising:
 - an upper surface (in the vicinity of 34) which mates with the upper surface (44) of the base member (12), a central aperture (70) for sealing engagement with a center post assembly (46, 28, 62) having at least one filter disk (16, 14) operatively positioned thereon, the central aperture (70) providing a crevice-free flow path through the insert assembly (14) when the center post (46) is disengaged therefrom thereby facilitating the cleaning of the interior chamber (15),
 - at least one filter disk (16) having a central aperture operatively formed therein (i.e. in the filter assembly or housing), and
 - the center post assembly comprising:
 - a center post member (46) having first and second end portions,

- an attachment member (42) operatively connected to the first end of the center post member (46) which is for operatively connecting and disengaging the center post assembly from the at least one insert assembly (filter stack, 14) and,
- an adapter member (28). See fig. 4 and cols. 1 - 4.

16. Regarding claim 39, Ogden et al. also disclose:

- the upper surface (defined by the raised portion which forms the outer periphery or rim of the base member (12)) of the base member (12) being downwardly sloped toward the insert assembly (14). See fig. 4.

17. With respect to claim 40, Ogden et al. further disclose:

- the upper surface of the base member (12) including a raised portion (i.e. portion with internal threads for mating with external threads at open end of housing 10) located along the periphery of the upper surface and a central region and the raised portion engaging the bottom portion (i.e. open end) of the housing (10) and connected to the central region by a concave surface. See fig. 4.

18. With regards to claim 41, Ogden et al. disclose:

- the adapter member (28) having at least one circumferential groove (formed just below the enlarged head 31 thereof) for receiving an O-ring (washer, 34) and facilitating the

sealing engagement of the adapter member (28) with the central aperture (32) of the insert assembly (14). See fig. 4 and col. 3.

19. Concerning claim 42, Ogden also disclose:

- the adapter member (central sleeve 28) further comprising at least one aperture (30) formed therein for providing a flow passage through the adapter member (28). See fig. 4 and col. 2, lines 60 - 63.

20. Claims 1 - 3, 5, 8, 12, 16, 20, 24 - 26, 28, 31, 35 and 38 - 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Tournaire (FR 2,460,154A). (Attached translated pages 1 - 4 of this document has been provided by the applicant as part of the IDS, Paper no. 2).

21. With regards to claim 1, Tournaire discloses an apparatus for handling filter disks/plates (1,2) comprising:

- a center post member (C₁) having first and second end portions,
- an attachment member (10, 9) including a means for facilitating (in the form of a lifting eye/handle at the top thereof, 9) the lifting of at least one filter disk/plate from a first position (which is inside a filter housing) to a second position (away or above from the filter housing) and,
- an adapter member (C₂, 11, 6) operatively connected to the second end portion (lower end) of the center post member wherein the adapter member (6, C₂) is capable of

supporting at least one filter disk (lowermost filter disk/plate) which is operatively positioned relative to the center post member (C_1). See figs. 1 – 7 and pages 1 – 6.

22. Concerning claim 2, Tournaire also discloses the apparatus further comprising:

- a lifting device operatively connected to the attachment member (9) for vertically raising the handling apparatus such that the at least one filter disk/plate (1, 2) can be transported from the first position to the second position. See fig. 5.

23. With respect to claim 3, Tournaire discloses the lifting device comprising a motor powered hoist. See fig. 5.

24. Regarding claim 5, Tournaire also discloses:

- the first position being an installed position (assembly) within a filter assembly in which fluid passes through the at least one filter disk (plate, 1, 2) operatively positioned relative to the center post member and,
- the second position being in a remote location exterior to the filter assembly where the at least one filter disk (plate) can be removed (disassembly) from the center post member and replaced with at least one new filter disk. See pages 3 – 4 and fig. 5.

25. With regards to claim 8, Tournaire also discloses:

- the attachment member comprising a lifting eye (handle, 9) welded (attached) to the first end portion of the center post member (C₁). See fig. 5.

26. Regarding claim 12, Tournaire discloses:

- the adapter member (6) having female threads (i.e. internal threads) formed therein for operatively engaging corresponding male threads (external threads) formed on the second end portion of the center post member (C₁). See figs. 6 – 7 and page 4.

27. Concerning claim 16, Tournaire discloses a filter assembly comprising:

- a housing having an interior chamber, a central axis and a bottom portion,
- a base member having opposed upper and lower surfaces and at least an inlet portion and an outlet portion (C₂, 14), the upper surface being operative to sealingly engage the bottom portion of the housing and,
- at least one insert assembly sealingly engaged within the at least one outlet portion (C₂, 14) of the base member and the insert assembly (B) comprising:
 - an upper surface which mates with the upper surface of the base member and a central aperture for sealing engagement with a center post assembly (C₂, C₁) that has at least one filter disk/plate engaged thereon and the central aperture providing a crevice-free flow path through the insert assembly when the center post assembly (C₁) is disengaged from the base member thereby facilitating the cleaning of the interior chamber. See figs. 1 and 5 and pages 1 - 6.

28. With respect to claim 20, Tournaire further discloses the center post assembly comprising:

- a center post member (C_1) having a first (top) end portion and a second (bottom) end portion,
- an attachment member (10, 9) operatively engaged with the first end portion (at the top end of the center post member (C_1)) and including a means for connecting (10) to the center post assembly (C_2 , C_1) and disengaging from the at least one insert assembly, and
- an adapter member (6) operatively connected to the second end portion (bottom end) of the center post member (C_1) and supporting the at least one filter disk/plate (i.e. the lowermost filter plate in the block B) which is operatively positioned relative to the center post member and the adapter member sealingly engaging the the central aperture of the insert assembly when the center post assembly is in the installed position. See figs. 5 - 7.

29. Concerning claim 24, Tournaire discloses a method for handling filter disks/plates from an initial position to a second position comprising the steps/acts of :

- providing at least one filter disk/plate (1, 2), operatively positioning the at least one filter disk/plate onto a handling apparatus (B, C_1 , 6) wherein the handling apparatus comprising :
 - a center post member (C_1) having first and second end portions,

- an attachment member (10, 9) operatively connected to the first end portion of the center post member (C_1) and the attachment member including a means for facilitating (in the form of a lifting eye/handle at the top thereof, 9) the lifting of at least one filter disk/plate from an initial position (which is inside a filter housing) to a second position (away or above from the filter housing) and,
- an adapter member (C_2 , 11, 6) operatively connected to the second end portion (lower end) of the center post member wherein the adapter member (6, C_2) is capable of supporting at least one filter disk (lowermost filter disk/plate) which is operatively positioned relative to the center post member (C_1),
- attaching a hoist device to the handling apparatus (B, C_1 , 6) and
- vertically raising the handling apparatus and the at least one filter disk/plate in the block B and,
- relocating the at least one filter disk/plate from the initial position (within the housing) to the second position (outside/above the base member of the housing). See figs. 1 & 5 - 7 and pages 1 – 6.

30. Regarding claim 25, Tournaire further discloses an apparatus for handling filter disks/plates comprising:

- an elongated post member (C_1) having first and second end portions,
- an attachment member (10, 9) operatively connected to the first (top) end portion of the elongated post member, the attachment member providing means (9) for facilitating the

lifting of the handling apparatus from an installed position to a remote location and the installed position being when the handling apparatus is operatively positioned within a filter housing and the remote location being a location exterior of the housing, as in fig. 5 and,

- an adapter member (6, C₂) operatively connected to the second (bottom) end portion of the elongated post member (C₁) and the adapter member supporting at least one filter disk (i.e. lowermost filter plate/disk) which is operatively positioned relative to the elongated post member and,
- a lifting device (hoisting machine which connects to the hook/handle 9 of the attachment member) operatively connected to the attachment member (9, 10) for vertically raising the handling apparatus such that the at least one filter disk/plate (or the whole stack of plates, B) can be transported from the installed position to the remote location. See figs. 1 – 7 and pages 1 – 6.

31. With regards to claim 26, Tournaire also discloses the lifting device comprising a motor powered hoist. See fig. 5.

32. Regarding claim 28, Tournaire discloses the remote location is where at least one filter disk/plate can be removed (dismantled) to be cleaned and if damaged, can be replaced with a new filter disk. See pages 1 – 4 and fig. 5.

33. Concerning claim 31, Tournaire further discloses the attachment member comprising a lifting eye/hook (9) welded (affixed) to the first end portion of the elongated post member (C_1). See fig. 5 and page 4.

34. With respect to claim 35, Tournaire discloses the adapter member (6) having female threads (internal threads for screwing) for operatively engaging with corresponding male threads (external threads) formed on the second end portion of the elongated post member (C_1). See page 4 and fig. 6.

35. Regarding claim 38, Tournaire discloses a filter assembly comprising:
- a housing having an interior chamber, a central axis and a bottom portion,
 - a base member having opposed upper and lower surfaces and at least an inlet portion and an outlet portion (14), the upper surface being operative to sealingly engage the bottom portion of the housing and,
 - at least one insert assembly sealingly engaged within the at least one outlet portion (14) of the base member and the insert assembly comprising :
 - an upper surface which mates with the upper surface of the base member and,
 - a central aperture for sealing engagement with a center post assembly (C_2 , C_1) that has at least one filter disk/plate engaged thereon and the central aperture providing a crevice-free flow path through the insert assembly when the center

post assembly (C₁) is disengaged from the base member, thereby facilitating the cleaning of the interior chamber,

- at least one filter disk/plate having a central aperture operatively formed therein and,
- a center post assembly comprising:
 - a center post member (C₁) having a first end portion and a second end portion,
 - an attachment member (10, 9) operatively engaged with the first end portion (at the top end of the center post member (C₁) and including a means for connecting (10) to the center post assembly (C₂, C₁) and disengaging from the at least one insert assembly, and
 - an adapter member (6) operatively connected to the second end portion (bottom end) of the center post member (C₁) and supporting the at least one filter disk/plate (i.e. the lowermost filter plate in the block B) which is operatively positioned on the center post member and the adapter member sealingly engaging the the central aperture of the insert assembly when the center post assembly is in the installed position. See figs. 1 and 5 and pages 1 - 6.

36. Concerning claim 39, Tournaire discloses the upper surface of the base member being downwardly sloped towards the insert assembly, as in figs. 5 – 6.

thickness of each filter disk and overall length of the adapter member. For small applications, a number of at least 14 filter disks supported by the adapter member within the filter housing would be sufficient, however, a larger amount to be filtered in one pass, would require more filter disks, which could be at least 56 filter disks, in the housing.

40. Concerning claims 14, 23 and 43, Ogden et al. do not teach/disclose the shape of the at least one aperture defined by the adapter member being semi-circular. The case law, *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966), provided (The court held) that the configuration of the claimed invention (the adapter having at least one aperture which is semi-circular in shape) was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed invention was significant. In this particular instance, the shape of the aperture defined by the adapter member would depend not only on the choice of the manufacturer and (cross-sectional) shape of the adapter member and flow characteristics therethrough. A semi-circular shape for the aperture instead of a conventional circular one (taught by Ogden et al.) could be chosen if flow is to be restricted or divided as it passes through the adapter member, thereby slowing down a bit the discharging of the filtered fluid from the filter assembly, compared to a conventional circular aperture/flow passage.

41. Claims 4 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tournaire in view of Litwiller (D349,996) or Broyden et al. (US 4,635,903).

42. Regarding claims 4 and 27, Tournaire fails to disclose the lifting device comprising a manually operated chain hoist. It is well known in the art of handling and transporting articles, including those for handling and transporting filter disks in stacked arrangement (such as the one taught by Tournaire) that hoists or lifting devices come in different forms and there are those available which are electrically (motor) powered and those which are manually operated chain hoists. The type and choice of lifting device to be used with a particular handling and transporting of articles, depends on the user and the weight of the load [i.e. in this case the overall weight of the disks in the stack arrangement plus its handling assembly (i.e. the center post and attachments)]. If the weight is not too much, then a normal operator/person can probably hoist it up with a manually operated chain hoist. However, if the load is too much, an electrically/motor powered hoist would be the desirable choice. Furthermore, using a manually operated chain hoist versus a motor powered hoist as a lifting device would save the user some (electric) power costs but on the other hand would require a reliable and abled (strong) person to operate a manually operated chain hoist. There are also two different types of manually operated chain hoists. One, which is taught by Litwiller (996), involves merely hooking up the attachment member to the hook/ring end of the chain hoist and the operator cranks up the handle portion for pulling up the end of the chain hoist, as in figs. 7 – 8. Alternatively, a much improved and better manually operated chain hoist would be the one taught by Broyden et al. (903), in which it involved the operator turning on switches which in turn raises and lowers the chain hoist that lifts or lowers the load (which in this case would be a stack of filter disks and its handling

apparatus/center post and attachment). The manually operated chain hoist taught by Broyden et al. is considered a better and improved lifting device because it does not require a lot of physical strength to operate the chain hoist and the operator can precisely raise the load to a particular height without worrying about accidentally dropping the load.

43. Claims 6, 9, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tournaire in view of Whitfield (US 3,900,400).

44. With regards to claims 6 and 29, Tournaire fails to disclose an attachment member being an eyebolt assembly with threads associated therewith for engaging with corresponding threads formed on the first end portion of the center post member. Whitfield teaches a lifting attachment member being in the form of an eyebolt assembly (111, 112) having threads associated therewith for engaging corresponding threads which may be formed on a first end portion (which would be for mating with) of a center post member (60) which supports or has at least one filter (in the form of a disk or in tubular form) thereon, as in figs. 1 – 3 and cols. 3 - 4. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the attachment member of the apparatus/filter assembly of Tournaire, in lieu of the attachment member taught by Whitfield, in order to provide an alternative design and provide an attachment member which is removable thereby allowing complete disassembly of the apparatus for cleaning and replacement thereof, if necessary. It is considered obvious that after several or long use of the lifting attachment member with the lifting device that the attachment member would

either become damaged or simply deteriorate as time passes. It would be more cost-efficient to replace an attachment member which is removable (such as the one taught by Whitfield) than replacing the entire handling apparatus of Tournaire.

45. Concerning claims 9 and 32, Tournaire fails to disclose the attachment member has an outside diameter which is smaller than a central aperture formed in the at least one filter disk thereby allowing the at least one filter disk to be slid over the attachment member. Whitfield teaches the attachment member (111,112) having an outside diameter which is smaller than a central aperture (formed by central tube 96) formed in the at least one filter disk/element thereby allowing the at least one filter disk/element to be slid over the attachment member (111, 112), as in figs. 2 – 3. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the attachment member of Tournaire by substituting it with the one taught by Whitfield in order to provide an attachment member which enables easy assembly and disassembly of filter elements/disks disposed on a center post member attached therewith, thereby making the changing and replacement of those dirty/damaged filter elements/disks a lot quicker and easier.

46. Claims 10 – 11, 13 – 14, 33 – 34 and 36 – 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tournaire

47. Concerning claims 10 – 11 and 33 – 34, Tournaire disclose the adapter member (6 with C₁ and C₂) being configured to support *a plurality* of filter disks (plates to form the filtration block B), at least 3 – 7 is shown in figs. 1 – 2, and it is considered that a plurality (which is more than one) includes a number of at least 14 filter disks (claims 10 and 33), and even, at least 56 filter disks (claims 11 and 34), as in pages 1 - 4. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the number of filter disks/plates and that the exact number of filter disks to be supported by the adapter member would depend upon the choice of the manufacturer and requirements of the application (i.e. amount of fluid to be filtered therethrough), as well as thickness of each filter disk, overall length of the adapter member and weight/load that it could carry/support and size of the housing.

48. With regards to claims 13 - 14 and 36 – 37, although Tournaire do not disclose explicitly the adapter member (6) having at least one aperture which is semi-circular for providing a flow passage therethrough when the center post member is in the installed position, it is considered obvious to one of ordinary skill in the art that there has to be at least one aperture (i.e. one that is formed by the edges of the adapter member with the inner surfaces of the insert assembly (conduit by the outlet portion at the base member), which may have a cross-sectional shape which is almost semi-circular or circular when the center post member (C₁) is in the installed position, allowing fluid flow (i.e. forming a flow passage) therethrough and out towards the outlet (14), as in figs. 5 and 7. The case law, *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966), provided (The court held) that the configuration of the claimed invention (a

disposable plastic nursing container) was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed invention was significant. In this instance, there is no persuasive evidence in the applicant's specification that a semi-circular shape for the flow passage aperture formed in the adapter member being significant (see pages 8 and 16 of the specification), and therefore, considered to be a matter of choice of design/shape to form the at least one aperture formed in the adapter member to be semi-circular.

Response to Arguments

49. Applicant's arguments filed 6-16-03 have been fully considered but they are not persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Furthermore, applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Conclusion

50. Since the same prior art are presented and applied against the pending claims and the same rejections have been set forth herein from those of the last office action, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

51. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:30 A.M. to 4:30 P.M..

52. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

53. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

WLSO
M.S.O.

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